

The Honorable Lisa P. Jackson  
Administrator  
U. S. Environmental Protection Agency  
Water Docket, Mailcode: 28221T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Chesapeake Bay TMDL -- Docket no. EPA-R03-OW-2010-0736

Dear Administrator Jackson:

The Potomac Riverkeeper and Shenandoah Riverkeeper would like to thank you for the opportunity to comment on the Draft Chesapeake Bay Total Maximum Daily Load (TMDL). In addition to comments submitted on our behalf by Earthjustice, please consider this our addendum to those comments.

#### Transparency

In certain areas of the Bay watershed, the TMDL process has an opportunity to keep the public informed about progress being made on a daily – or close to daily basis. Anywhere in the watershed that both flow and pollutant numbers are collected will allow this. An example of this type of public information is to use the load (flow and concentration numbers) information available at Little Falls and Chain Bridge in the Potomac River. Publishing a daily (averaged) load number and keeping a summary towards an annual load number for the more that 11,000 square miles of watershed that is above this point can help focus the public's attention on both the successes and failures of Watershed Implementation Plans.

Although some scientists may balk at making this type of information easily available to the public without first “massaging” it or placing it into a model, the interested public can easily understand the problems with raw data, if any, that could be described to them in the same (web) document that gives the loads.

Since the data are already collected and being used in the Bay TMDL process, the cost of this type of immediate access by the public will be minimal. For the next ten to twenty years the EPA should work to have the public know on a daily basis how we are progressing towards a healthy Bay.

#### Enforcement

History shows us that the Bay states have not created or implemented their TMDLs on a timely basis until legally forced. It is important that all parts of the Watershed Implementation Plans – including backstops where necessary – contain timely, enforceable, implementation. Enforcement in this sense means using all available means, including economic and court related when necessary, to achieve this most important outcome.

#### Pollution Trading

We are compelled to again point out to EPA the problems with trading pollution. The many process and administrative issues that have been documented with nutrient trading, pale in comparison to the simple fact that trading pollution is a violation in letter and spirit of the Clean Water Act. It is not only illegal but bad public policy and will not result in a Clean and Healthy Bay.

Ed Merrifield  
Potomac Riverkeeper

Jeff Kelble  
Shenandoah Riverkeeper